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October 17, 2023

VIA ECF

The Honorable Lewis A. Kaplan
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Carroll v. Trump*, No. 20 Civ. 07311 (LAK)

Dear Judge Kaplan:

We write on behalf of Plaintiff E. Jean Carroll in response to the Court's Order dated October 11, 2023 directing the parties to articulate their position with respect to whether Defendant Donald Trump defamed Ms. Carroll on June 24, 2019 (the "June 24 Statement"). ECF 219.

In order to avoid unnecessary motion practice, we hereby inform the Court that Ms. Carroll does not intend to pursue defamation liability in connection with Defendant's June 24 Statement, although we do still intend to hold Defendant liable for defamation in connection with Defendant's statements on June 21 and 22, 2019. We have notified Defendant's counsel of this decision.

In the interest of completeness, however, we note that we believe Defendant's June 24 Statement is relevant to the question of punitive damages, and we expect to present evidence to the jury relating to the June 24 Statement at trial for that purpose only. *See Carroll v. Trump*, No. 20 Civ. 7311, 2023 WL 4744176, at *2 & n.9 (S.D.N.Y. July 25, 2023) (Trump's "subsequent statements" about Ms. Carroll are relevant to punitive damages (citing *Celle v. Filipino Rep. Enters. Inc.*, 209 F.3d 163, 184–85 (2d Cir. 2000)); *Carroll v. Trump*, No. 20 Civ. 7311, 2023 WL 5017230, at *9 (S.D.N.Y. Aug. 7, 2023) (same)).

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record (via ECF)